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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,505	01/19/2001	Paramvir Bahl	MS1-511US	1105

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,505

Applicant(s)

BAHL ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the specification makes reference to a US application and Patent but the app/patent numbers are missing (see bottom of page two and top of page 3).

Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5, 7-22, 24-35 and 37-46 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,327,535 (Evans et al.) claims 1-53. Although the conflicting claims are not identical, they are not patentably distinct from each other because they describe location determination of a user in relation to a fixed resource and a database hierarchy storing location data of each said resource.

For independent **claims 1, 10, 17, 24, 30 and 40** (and their dependent claims), Evans discloses the applicant's teachings as per the following:

Claim 1: defining, by an absolute location (figure 6, #608 application for location determination, C2, L45-63), one or more geographical regions (figure 3 shows various

locations) in which one or more fixed resources are located (figure 3 shows video projector). Also reference Evans' claims 1, 22, 28, 38, 49 and 51.

Defining a location of each of the fixed resources within the region, the location of each resource being a relative location that is defined relative to the absolute location of the geographical region in which the fixed resource is located (abstract and figure 3 shows location of a video projector relative to Microsoft campus in the USA)

Storing the relative location of each resource in a hierarchical directory structure having one or more levels corresponding to one or more regions, the relative location of each fixed resource being stored in the directory level corresponding to the region from which the relative location of the fixed resource is derived (figure 3 implies a hierarchical directory structure, as does figure 2. Figure 4, #400 teaches accessing a hierarchical tree structure(s)).

Claim 10: wireless network (C7, L50-62), location determination (C2, L45-63) via application/server and determination/transmission of the fixed resource closest to the user (C14, L20-042). Also reference Evans' claims 1, 22, 28, 38, 49 and 51.

Claim 17: computers/computing systems that use computer-readable media (figures 1, 6 and 7) and naming/storing of the fixed resource with a name that denotes a location of the object in a multiple level directory structure, each level representing a geographical region in which the resource is located (figures 2 and 3 represent a directory structure which can store a fixed resource's name, eg. video projector, with a name that represents it's location, for example:

Microsoft/RedmondCampus/1MicrosoftWay/Building24/2ndfloor/Conferenceroom 1342/videoprojector). Also reference Evans' claims 1, 22, 28, 38, 49 and 51.

Claim 24: a location subsystem (figure 7, #602), a resource database (figure 3) and a query processor that receives a query from the user and returns a location of a resource that is nearest to the user (C1, L19-65 and C2, L45-66). Also reference Evans' claims 1, 22, 28, 38, 49 and 51.

Claim 30: one or more servers (figures 1, 6-7 and Internet C1, L8-30) and regions with fixed/relative locations (GPS is used in tables in columns 10-11 and relative

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location is used in figure 3, eg. 2nd floor of building 24) and lowest/highest directory structure (figure 3). Also reference Evans' claims 1, 22, 28, 38, 49 and 51.

Claims 6, 23 and 36 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Evans in view of Van Leeuwen et al. US 6,597,906.

As per **claims 6 and 36**, Evans teaches claim 1 wherein absolute location is represented by latitude, longitude **but is silent on** altitude coordinates.

The examiner notes that GPS systems can provide altitude determination.

Van Leeuwen teaches A global positioning system (GPS) is known in which a mobile or stationary unit can ascertain its present location, latitude, longitude and altitude, by the detection and processing of signals from geo-synchronous satellites. Such systems are used to navigate aircraft as well as ground based vehicles and have been used to track mobile stations (see, e.g., U.S. Pat. No. 5,564,079).

It would have been obvious to one skilled in the art at the time of the invention to modify Evans, such that altitude is determined, to provide means for understanding the fixed resource's location with respect to sea level.

As per **claim 23**, Evans teaches claim 22 wherein the classes of country, state, territory, county, city, campus, building and area are stored with absolute LAT/LONG coordinates (see tables in columns 10-11 which shows LAT/LONG) **but is silent on** and the class of floor is stored with altitudinal coordinate relative to the absolute coordinates of one the class of building.

Van Leeuwen teaches a global positioning system (GPS) is known in which a mobile or stationary unit can ascertain its present location, latitude, longitude and altitude, by the detection and processing of signals from geo-synchronous satellites. Such systems are used to navigate aircraft as well as ground based vehicles and have been used to track mobile stations (see, e.g., U.S. Pat. No. 5,564,079). One skilled in the art would provide for an altitude parameter for "floor" to inform the user how high up the resource is located.

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It would have been obvious to one skilled in the art at the time of the invention to modify Evans, such that altitude is determined, to provide means for understanding the fixed resource's location with respect to sea level.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Parupudi et al. US 2002/0119788 teaches context/location-aware phone
2. Liming US 2002/055924 teaches spatial location context.
3. Stinton US 5,204,670 teaches electronic monitoring system.
4. Semple et al. US 6,408,307 teaches access to items of interest database
5. Loomis et al. US 5,625,68 teaches position reporting cell phone.
6. Smiley US 6,263,341 teaches repository of data objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SMD

11-5-03

